

TITLE 22 - MISSISSIPPI DEPARTMENT OF MARINE RESOURCES

PART 5 RULES AND REGULATIONS THAT ESTABLISH RESTRICTIONS GOVERNING THE USE OF NETS, FISH TRAPS AND POTS WITHIN THE TERRITORIAL WATERS OF THE STATE OF MISSISSIPPI AND ESTABLISHING CERTAIN CATCH LIMITATIONS AND QUOTAS

Chapter 01 Introduction

Purpose

- 100 This Part provides regulations to establish restrictions governing the use of nets, fish traps and pots within the territorial waters of the state of Mississippi and establishing certain catch limitations and quotas.

Chapter 02 Justification and Authority

- 100 The Mississippi Commission on Marine Resources (MCMR) has determined that it is in the best interest of the fisheries of the State of Mississippi to regulate areas, methods, and gear types in the salt waters of the State of Mississippi.
- 101 The MCMR has further determined that catch limitations, minimum lengths, quotas and other regulations must be imposed in order to preserve fish populations.
- 101 The MCMR is authorized by § 49-15-15 of the Mississippi Code Ann. of 1972, as amended, to enact all regulations necessary for the protection, conservation or propagation of all commercial fish in the waters under the territorial jurisdiction of the State of Mississippi.

Chapter 03 Definitions

- 100 **MULLET FISHING** shall be defined as a fishing activity where the sole purpose is to catch mullet (*Mugil* sp.). It shall be unlawful for any person, firm, or corporation, while engaged in any mullet fishing activity or "set" to catch in excess of ten percent (10%) by weight of species other than mullet.
- 101 **KING MACKEREL FISHING** shall be defined as a fishing activity where the sole purpose is to catch king mackerel (*Scomberomorus cavalla*). It shall be unlawful for any person, firm, or corporation, while engaged in any net fishing activity or "set" to catch in excess of ten percent (10%) by weight of species other than king mackerel while king mackerel fishing.

- 102 **COMMERCIAL EEL FISHING** shall be defined as a fishing activity using traps or pots where the sole purpose is to catch American eels (*Anguilla rostrata*). It shall be unlawful for any person, firm, or corporation to retain any fish or shellfish other than adult eels while engaged in commercial eel fishing. An adult eel shall be defined as an eel at least six (6) inches in length.
- 103 **APPROVED DEGRADABLE MATERIAL** shall be defined as a material which after one (1) year of immersion in water loses at least fifty (50) percent of its tensile strength and for which a field test must be available to analyze the material for authenticity or the net must have a placard issued by the Mississippi Department of Marine Resources (MDMR) which will be permanently attached to the net certifying that the net is made of an approved degradable material. Any material previously approved by the MCMR under Title 22 Part 5 shall be deemed an "approved degradable material" for purposes of this Title 22 Part 5, regardless of whether the material meets the fifty (50) percent loss in tensile strength after one (1) year of immersion in water.

Chapter 04 Commercial Net Closure Areas and Gear Size Restrictions

- 100 It shall be unlawful for any person, firm, or corporation to catch, take, or carry away any saltwater fish by or with any gill nets, trammel nets, purse seines, seines, fish traps, except permitted eel traps, or any other like contrivances, in the territorial waters of the State of Mississippi within twelve hundred feet (1200) of any public pier or any pier owned and operated by hotels or motels for the use of their patrons and guests for swimming and fishing or any harbor or within twelve hundred (1200) feet of the shoreline of Deer Island.
- 101 It shall be unlawful for any person, firm, or corporation to catch, take or carry away any saltwater fish by or with any gill nets, trammel nets, purse seines, seines, fish traps, and other like contrivances except permitted eel traps in the following areas of the State of Mississippi:
- 101.01 Within any river, bayou, creek, canal, stream, tributary, lake, bay, or inlet, or other water source entering into areas defined as salt waters under the jurisdiction of the MCMR, except Pt. aux Chenes Bay, Middle Bay, Jose Bay, L'Isle Chaude, Heron Bay, Pascagoula Bay, south of a line beginning at a point on the shoreline at the southern terminus of range lines R7W and R6W near Camp Lamotte; thence southeasterly along the most direct line to the southernmost point of Twin Islands; thence easterly along the most direct line to the southern point of Rabbit Island; thence easterly along the most direct line to the beacon "Occ R 4 sec 100 ft" on the eastern side of Litton Shipbuilding; thence southeasterly following the shoreline to the southeasternmost point of Litton Shipbuilding; thence easterly along the most direct line to the southernmost point of land adjoining the entrance to Yazoo Lake) and South Rigolets and Biloxi Bay south of a line drawn between Marsh Point and Grand Bayou. These restrictions in subsection 101.01 shall not apply to mullet fishing in Pascagoula Bay south of the CSX Railroad bridge.

- 101.02 Within fifteen hundred (1500) feet from the shoreline between the U.S. Highway 90 bridge and the north shore of Bayou Caddy in Hancock County.
- 101.03 Within an area that would block the mouth of any river, bayou, creek, canal, stream, tributary, lake, bay, inlet, channel, or other water source entering into areas defined as salt waters under the jurisdiction of the MCMR. Areas defined as salt waters under the jurisdiction of the MCMR are specified by Mississippi Commission on Wildlife, Fisheries and Parks Public Notice Number 2276 in accordance with § 49-15-23 of the Mississippi Code Ann. of 1972, as amended.
- 101.04 Within an area formed by a line running one (1) mile from the shoreline of Cat, Ship, Horn, Petit Bois, and Round Island, or from the shoals of Telegraph Keys and Telegraph Reef (Merrill Coquille), during the period from May 15 to September 15 of each year.
- 101.05 Within twelve hundred (1,200) feet of any private piers which extend a distance of seventy-five (75) feet or more from the shoreline, except when mullet fishing.
- 101.06 Within three-hundred (300) feet of any private piers which extend a distance of seventy-five (75) feet or more from the shoreline when mullet fishing.
- 101.07 All of the aforementioned piers must be in usable condition with boards spaced in such a way that persons can walk the entire distance of the pier.
- 100.08 It shall be unlawful for any person, firm, or corporation to use at any time trammel nets, gill nets, seines, or any other like contrivances in excess of twelve-hundred (1200) feet in length. Except when fishing gill and trammel nets between October 15 through December 15 of each year, nets must be of a mesh size of one and one half (1-1/2) inch square, three (3) inch stretch or larger, and it shall be unlawful for any boat to use more than one (1) such net. Between October 15 through December 15 of each year, gill and trammel nets must be of a mesh size of one and three-fourths (1 3/4) inch square, three and one-half (3 1/2) inch stretch or larger, and it shall be unlawful for any boat to use more than one (1) such net.
- 100.09 It shall be unlawful for any person, firm, or corporation other than licensed menhaden vessels engaged in menhaden fishing, to use or have in possession purse seine(s) in excess of fifteen hundred (1500) feet in length. Said nets must be of a mesh size of one-half (1/2) inch square, one (1) inch stretch or larger.
- 100.10 It shall be unlawful for any person, firm, or corporation to leave a gill net, trammel net, purse seine, seine or any other net like contrivance governed by the restrictions set forth in this Part unattended in the waters of this state, and at least one person shall be required to stand by, within one boat length of the boat using said net, at all times the net is in the water. It shall further be unlawful for any person, firm, or corporation to use or have in their possession a gill net, trammel net, seine or like contrivance on the waters of this state without a visible buoy attached every one hundred (100) feet clearly marked with the license number or owner's full name thereon.

Chapter 05 Additional Gill and Trammel Net Restrictions

- 100 Notwithstanding the provisions of Chapter 04 above, it shall be unlawful for any person, firm or corporation to set, use or possess a gill or trammel net in the marine waters of the State of Mississippi contrary to the following restrictions:
- 100.01 From 6:00 a.m. to 6:00 p.m. no gill and trammel nets shall be set or otherwise used for the taking of aquatic life within one-half (½) nautical mile of any manmade structure attached to the shoreline from Bayou Caddy in Hancock County to Marsh Point in Ocean Springs, Jackson County.
- 100.02 From 6:00 p.m. to 6:00 a.m. no gill and trammel nets shall be set or otherwise used for the taking of aquatic life within one-quarter (1/4) nautical mile of any manmade structure attached to the shoreline from Bayou Caddy in Hancock County to Marsh Point in Ocean Springs, Jackson County.
- 100.03 It shall be unlawful for any person, firm or corporation to possess fish in, or in contact with, any gill or trammel net in a boat in the marine waters of Mississippi in the St. Louis Bay north of the CSX Railroad Bridge; in Biloxi Bay north of a line drawn between Marsh Point and Grand Bayou; in Pascagoula Bay north of the CSX Railroad bridge.
- 100.04 It shall be unlawful for any person, firm or corporation to set or otherwise use a gill or trammel net in the marine waters of Mississippi or to possess fish in, or in contact with, a gill or trammel net in a boat in the marine waters of Mississippi between 6:00 a.m. on Saturday mornings and 6:00 p.m. on Sunday evenings.
- 100.05 It shall be unlawful for any person, firm or corporation to set or otherwise use a gill or trammel net in the marine waters of Mississippi or to possess fish in, or in contact with, a gill or trammel net in a boat in the marine waters of Mississippi between 6:00 a.m. and 6:00 p.m. on legal holidays established by the Mississippi Legislature and as set forth in Miss. Code Ann. § 3-3-7, as amended.
- 100.06 No gill or trammel net shall be set within one-quarter (1/4) nautical mile of another gill or trammel net.
- 100.07 Gill and trammel nets must be attended at all times from a distance of no greater than the length of the boat in use.
- 100.08 On and after January 1, 1997, all gill and trammel nets must be constructed of an approved degradable material. An approved degradable materials list will be on file with the Executive Director of the MDMR or his designee. Any material that has not been approved by the MCMR by the October 15, 1996 MCMR meeting must meet the requirements of the approved degradable materials definition.

Chapter 06 Eel Trap Regulations

- 100 It shall be unlawful for any person, firm, or corporation to engage in commercial eel fishing activities by trap or pot in all areas defined as salt waters under the jurisdiction of the MCMR by Public Notice No. 2276 in accordance with Miss. Code Ann. § 49-15-23, as amended, without first obtaining a commercial eel permit from the MDMR.

- 101 It shall be unlawful for any person, firm, or corporation to engage in commercial eel fishing as defined herein using:
- 101.01 Traps with a diameter in excess of two (2) feet or a length in excess of four (4) feet or a muzzle or throat with an opening in excess of two (2) inches, maximum measurement.
 - 101.02 Traps with a mesh size smaller than one-half (½) inch by one (1) inch.
 - 101.03 Pots larger than twenty four (24) inches by twenty four (24) inches by fifteen (15) inches or having a throat in excess of two (2) inches, maximum measurement.
- 102 It shall be unlawful for any person, firm, or corporation to use or have in their possession in or on the waters of this state any fish traps, fish pots, eel traps, eel pots, or like contrivances that are not clearly marked with the owner's full name, permit, or license number. It shall further be unlawful for said person, firm, or corporation to fail to check and empty each trap, pot, or like contrivance at least once every forty-eight (48) hours.

Chapter 07 MCMR May Adopt Total Allowable Catch (TAC) For Seafood

- 100 The MCMR, in accordance with the provisions of a duly adopted Commission Management Plan, published and filed with the Secretary of State; or in accordance with a management plan developed by the Gulf of Mexico Fishery Management Council and approved by the United States Secretary of Commerce; may establish annual Total Allowable Catch (TAC) rates for commercial and recreational fishermen. Said catch rates may apply to red drum, spotted seatrout, mullet, brown shrimp, white shrimp, blue crabs, or any other species of fish or shellfish which the MCMR deems necessary or advisable. Furthermore, the MCMR may close a fishery or disallow the taking of any particular species of fish or shellfish by commercial fishermen, recreational fishermen or both commercial and recreational fishermen in response to catches meeting or exceeding a TAC established by order of the MCMR. It shall be unlawful for any person, firm, or corporation to violate any of the provisions of such management plans as approved by the MCMR or to exceed the TAC levels which may be established annually for any species of fish or shellfish.

Chapter 08 Regulations on Sale of Cobia and Finfish under Quotas

- 100 It shall further be unlawful for any person, firm or corporation to sell, offer for sale, barter, trade or purchase cobia landed in Mississippi. Cobia and any species of finfish that have an established annual quota and are landed legally elsewhere and/or transported into or within Mississippi for sale, must be accompanied by an affidavit or certificate from the regulating agency of the point of origin stating that the fish were legally landed or accompanied by a Bill of Lading if imported from a foreign country. Cobia and any

species of finfish that have an established annual quota and are raised on permitted aquaculture facilities must be accompanied by a Bill of Lading with the permit number attached and may be sold below the prescribed minimum lengths.

Chapter 09 Exceptions to Net Regulations

- 100 The restrictions, with the exception of Chapter 07, outlined in this Part do not apply to brill nets, cast nets, drop nets for crabs, small mesh beach seines not exceeding one-hundred (100) feet in length, and having a mesh size not to exceed 1/4 inch bar-1/2 inch stretch, trawls, for the catching of shrimp, purse seines for the catching of menhaden, or nets, traps, or pots for experimental purposes approved and duly permitted by the MCMR.

Chapter 10 Penalties

- 100 Any unlawful act under this Part committed by any person, firm, or corporation shall be deemed a violation of the provisions of this Part and shall constitute a misdemeanor and upon conviction, said person shall be punished in accordance with Miss. Code Ann. § 49-15-63, as amended, unless a penalty is specifically provided elsewhere in the Mississippi Code Ann. of 1972, as amended.

Chapter 10 Chapters and Subchapters Declared Separable

- 100 Each chapter and subchapter of this Part is hereby declared separable, and if any chapter or subchapter or part thereof shall be held invalid or unconstitutional, the balance of said Title 22 Part 05 shall remain in full force and effect.
- 101 Violations of more than one chapter or subchapter of this Part or part thereof shall be considered separate offenses and punished as such.

Chapter 11 Administrative Procedures Act

- 100 Pursuant to the amendments to the Administrative Procedures Act, § 25-43-1.101, *et seq.*, of the Mississippi Code Ann. of 1972, as amended, and the rules and regulations promulgated pursuant thereto by the Secretary of State; the former Ordinance 5.013 has been modified and the MCMR and MDMR have adopted the terminology and numbering system developed by the Secretary of State. Therefore, references to “ordinance” or to “Part” appearing in these regulations or the underlying statutes are used interchangeably and refer to the same instrument.

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GOVERNING THE USE OF NETS, FISH TRAPS AND POTS WITHIN THE
TERRITORIAL WATERS OF THE STATE OF MISSISSIPPI AND ESTABLISHING
CERTAIN CATCH LIMITATIONS AND QUOTAS**, shall be in effect and be in force from
and after the _____ day of _____ 2006.

Adopted this the _____ day of _____ 2006.

MISSISSIPPI COMMISSION ON MARINE RESOURCES

By: _____
Vernon Asper, Ph.D., Chairman

MISSISSIPPI DEPARTMENT OF MARINE RESOURCES

By: _____
William W. Walker, Ph.D., Executive Director